



Licensing Board

January 23, 2012 - 7:00 p.m. – **Agenda**
133 William Street, Room 314

View Minutes

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REQUIRED: Steven A. Beauregard, Chairman
Ronald E. Frenette, Commissioner
Marcelino “Sonny” G. Almeida, Commissioner
Atty. John A. Markey, Jr. City Solicitor
Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.
Nick Nanopoulos, Director

A/O 01/17/12

MOTION TO ACCEPT THE MEETING MINUTES OF DECEMBER 19, 2011

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New License - Trans. # 221 – Plot # 52--289

Crush Beverage Company, Inc. d/b/a Crush Fine Wines is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Yogesh Labhstewar is the President, Treasurer, Secretary, Co-Director, and Sole Shareholder (100 %); Nita Labhstewar is a Co-Director; and **Neil Matias** is also a Co-Director and the **Proposed Manager**. Upon completion of renovations, the premises will consist of an area, approximately 1,062 sq. ft., which will be used for the sale of fine wines and malts only, that will include wine display cabinets and shelving, wine coolers, display tables, a wine accessories sale area, a sale and service desk area, and a limited seating area to be used as a product information center; there will also be an additional cooler room for storage in the rear of the premises, as well as additional storage in the basement. There is only one entrance/exit, which is located in the front of the building and leads onto Purchase Street; as well as a stairwell that leads to the storage area in the basement, which is located within the rear area of the store. The premise is situated on the first floor of a three-story building, which is located on the west side of Purchase Street between Union and William Street, and numbered **801 Purchase Street**.

Final approval will require a sign off sheet of approval from the Fire, Building, Health, and Wire Departments, upon completion of the renovations.

Approved By ABCC – 12/22/11

Change of Manager - Trans. # 174 – Plot # 18--107

Peoples Super Liquor Stores, Inc. d/b/a Douglas Wine & Spirits, 446 Dartmouth Street is requesting the approval of **Christopher M. Wing** who resides at **764 Tiogue Avenue, West Warwick, R.I.**, as their new **Manager**.

Approved By ABCC – 12/23/11

Change of Officers, Director, Stockholder, Manager, & Transfer of Corp. Stock - Trans. # 175 – Plot # 102 - 83

New Bedford Liquor Company, Inc. d/b/a Silva's Discount Liquors, Vui Van Le, President, who is requesting a **Change of Officers, Director, Stockholder, Manager, and Transfer of Corporate Stock of the Retail Package Store All Alcoholic Beverages License**. Vui Van Le, as the Sole Director of the Corporation, is petitioning to allow the transfer of all his corporate shares (100 %), and to accept his resignation of all his positions in the corporation, as well as the Manager of the liquor license. Upon approval, **Hoan Minh Le** will be the new President, Treasurer, Secretary, Sole Director, New Sole Stockholder (100 %), and **Manager of the liquor license**; **Mr. (Hoan Minh) Le** is also requesting approval of a Pledge of Stock (100 Shares) in his **Retail Package Store All Alcoholic Beverages License** back to **Vui Van Le, 50 Mansfield Avenue, Norton, MA. 02766** as security to authorize and execute a promissory note in the amount of **One Hundred Thousand Dollars (\$100,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23. Premises will remain the same at **452 Mt. Pleasant Street**.

Approved By ABCC – 12/30/11

Change of Manager - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley Ale House, 94 Front Street, who is requesting the approval of **Jordan Chabot**, who resides at **321 Arnold Street, N.B., MA.**, as their new **Manager**.

Approved By ABCC – 01/12/12

1. PETITION - Trans. #074 – Plot # 12—287 (No Representation Needed)

MWTP Restaurant Ventures, Inc. d/b/a Davy's Locker, Jeffrey Dolinsky, President, who is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Steven A. Ross, Trustee of Rodney Lending Trust, 376 Boylston Street, Boston, MA.** as security to authorize and execute a promissory note in the amount of **Two Hundred and Seventy-Five Thousand Dollars (\$275,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

2. PETITION - Trans. #074 – Plot # 12—287 (No Representation Needed)

Crush Beverage Company, Inc. d/b/a Crush Fine Wines, Yogesh Labhsetwar, President, who is requesting approval of a **Pledge of the Retail Package Store Wine & Malt Only Beverages License** to the **New Bedford Economic Development Council, 1213 Purchase Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy Thousand Dollars (\$70,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

3. PETITION - Trans. # 108 – Plot # 24--206

The Monte Pio Luso-Americanano Corporation, Inc. is requesting the approval of **Michael Frias** who resides at **169 Aquidneck Street, New Bedford, Ma.** as their new **Manager**.

Tabled at 12/19/11 Meeting

4. PETITION - Trans. # 220 – Plot # 72--124

Jose Antonio DoSouto d/b/a Carlos' Kitchen, which is petitioning for a **New Common Victualler (Restaurant) 7 Day Wine and Malt Beverages License**. **Carlos Antonio DoSouto** will be the **Sole-Owner and Licensee**. The proposed new licensed premises consists of One (1) dining room, a full kitchen with stock area, full food prep area, and two (2) handicapped restrooms in an area approximately 1,610 sq. ft. on the lower level of a two level building, which has two entrances/exits in the rear of the building. Alcohol will be kept in and served from the kitchen area. The premises is situated on the east side of Purchase Street, and numbered **1598 Purchase Street**.

Final approval will require a signed **'Fire & Building Certificate'** with regard to Chapter 304 Fire Acts Compliance; along with **Proof of Liquor Liability**.

Application has been advertised; Abutters have been notified

Minutes of 12/19/11

Present: *Atty. Adelio DeMiranda along with Carlos Antonio DoSouto, Applicant; Bruce Duarte, Jr. Councilor Ward 4, (Spoke In Favor of Petition); Nabih Moujabber, (Abutter-Spoke Not In Favor of Petition)*

Mr. Nanopoulos informed the Board that he had received a call earlier in the day from Councilor at Large Gomes, who stated he wished to be recorded in favor of the petition.

Both Chairman Beauregard and Commissioner Frenette stated that they had attempted to do a walkthrough of the premises earlier in the day, but were unable due to the fact that the premises was closed, so they were a bit reluctant to take any action on the petition until they had done so; but stated they were willing to start the hearing but reserved the right to table the matter, if they could not make an informed decision based on the information provided by the applicant.

Upon discussing the matter at some length with the applicant and his Attorney, and listening to Councilor Duarte, who spoke in favor of favor the petition; and also listening to the concerns regarding the limited parking in the area raised by Mr. Moujabber, who owns a used car lot directly across the street from the location described in the petition, it was agreed that the matter be tabled to the Board's next meeting on January 23, 2012.

The Board's decision to table the matter was based on the following three (3) issues, which needed required additional time to be addressed: 1.) Information regarding parking issues and means of egress needed to be addressed by Danny Romanowicz, Commissioner of Buildings; 2.) Both Chairman Beauregard and Commissioner Frenette stated that they needed time to do a visual walkthrough of the premises, so that they could address the parking and means of egress issues; and 3.) Give the applicant an opportunity to revise and re-submit his 'Business Plan', based on his plans for later hours and his plans for entertainment.

Voted: Commissioner Frenette made a motion to table the matter to the Board's next meeting on January 23, 2012 –

Unanimous

5. PETITION - Trans. # 162 – Plot # 132-I-72

Whaler's Wine & Spirits, Inc. Robert J. Camara, SVP/CFO(as held by St. Anne's Credit Union of Fall River, Ma. Assignee as Judgment Creditor, per Court Order), who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to **Calex Beverage Company, Inc. d/b/a Whaler's Wine & Spirits**. **Yogesh Labhsetwar** is the President, Treasurer, Secretary, Co-Director, and Sole Shareholder (100%), and **Ruchi Goyal** and **Rochit Goyal** are both Co-Directors; and **Neil Matias** is the **Proposed New Manager**. Premises will remain the same at **3057-D Acushnet Avenue**.

Final approval will require a 'Certificate of Inspection' from the Building Department and a 'Food Permit' from the Health Department.

Application has been advertised

6. PETITION - Trans. # 039 – Plot # 53--144

John Bernard Corp. d/b/a Cambories, Matthew A. Morrissey, Executive Director (as held by NBEDC, per Court Order), license formerly exercised on premises located at **804 – 808 Belleville Avenue**, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **Celtic Coffee House, LLC d/b/a Barker's Lane**. Phillip Dwane is a Co-Manager and Interest Holder (50%) of the LLC; and **Ryan Dwane** is a Co-Manager and Interest Holder (50%) of the LLC, and the **Proposed Manager of the Liquor License**. The applicant is also requesting a **Change of Location to 139 Union Street**, and a **Change of License Type from a 6 Day License to a 7 Day License**. Upon completion of renovations, the premises will consist of one (1) room approximately 2,850 sq. ft., which will include both a front and rear dining area, bar area, kitchen area, a waiting and hostess area, and two (2) restrooms located on the first floor of a three-story building; along with an additional room approximately 1,225 sq. ft. on the second floor, which will be used for additional seating and private functions, and will include a service bar and one (1) restroom; this area will be accessible by a stairway from the first floor front dining area, which will also have an additional emergency exit by way of a stairwell leading onto Union Street. There will also be additional storage of alcohol in the basement, which will be accessible through a stairwell in the kitchen area. The premises is situated on the north side of Union Street between Acushnet Avenue and North Second Street, and includes one (1) entrance/exit on the south side (front dining area) of the building onto Union Street, and one (1) entrance/exit on the north side (rear dining area) of the building onto Barker's Lane, and will be numbered **139 Union Street**. Final approval will require a 'Certificate of Inspection' from the Building Department, a 'Food Permit' from the Health Department, and a signed 'Fire & Building Certificate' with regard to Chapter 304 Fire Acts Compliance; along with a copy of 'Proof of Liquor Liability'.

Application has been advertised; Abutters have been notified

7. APPLICATION, Representation Required

Acushnet Veterans Memorial Committee, Tom DeCosta, Chairman, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser for the Acushnet Veterans Memorial Park' to be held on the **Madeira Feast Grounds – Pavilion Area Only**, located at **88 Tinkham Street**; and to be held on **Saturday, March 3, 2012, from 6:00 p.m. until 11:00 p.m.**

8. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Amy Morrison, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Moby Dick Marathon Reading Dinner & Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 6, 2012 from 5:00 p.m. until 7:00 p.m.**

9. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Amy Morrison, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Sailor Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 2, 2012 from 6:30 p.m. until 7:30 p.m.**

10. APPLICATION, (No Representation Needed)

Irmandade Do Divino Espirito Santo Do Pico, Inc., Jose Matos, President requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Convivio Dos Jorgenses Dinner', and to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, February 4, 2012, from 6:00 p.m. until 11:00 p.m.**

11. APPLICATION, (No Representation Needed)

Carnival Group, Fatima Almeida, Representative requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Carnival Dinner & Dance', and to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Sunday, February 12, 2012, from 1:00 p.m. until 6:00 p.m.**

12. APPLICATION, (No Representation Needed)

Rotch-Jones-Duff House, Cynthia Barber, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Valentine's Day Brunch' to be held at the **Rotch-Jones-Duff House**,

located at **396 County Street**; and to be held on **Sunday, February 12, 2012 from until 11:30 a.m. until 1:00 p.m.**

13. APPLICATION, (No Representation Needed)

New Bedford Whaling Museum, Amy Morrison, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Sailor Series Reception' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, February 16, 2012 from 6:30 p.m. until 7:30 p.m.**

14. APPLICATION,

Joaquim M. Fidalgo, who resides at **10 Thibeault Lane, Dartmouth, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License** for **JMF Auto Sales, Inc.** with premises situated at **1615 Cove Road**. **Note: Site was previously licensed to Heather Sylvia d/b/a Sylvia's Auto Sales, who surrendered her license on 10/28/11, and did not renew her license for 2012; and was previously approved for the display of Twenty (20) cars by Inspectional Services.**

Approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, a **Notarized Letter** stating where repairs will be done, and a '**Business Certificate**' from the **Office of the City Clerk**.

15. APPLICATION, Request for Re-Instatement of License

Russell M. Dearing, who resides at **345 Cross Road, Dartmouth, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Cedar Street Garage**, with premises situated at **247 Cedar Street**. **Note: Site was previously licensed to Jose M. Raposo d/b/a Cedar Street Garage Auto Sales & Service, which was not renewed in 2005; and was previously approved for the display of Eight (8) cars by Inspectional Services.**

Approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection**' from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, a **Notarized Letter** stating where repairs will be done, and a '**Business Certificate**' from the **Office of the City Clerk**.

****Applicant was approved for a 'Special Permit' by the City Council on February 12, 2009.**

Minutes of 03/09/09 Meeting

Present: Russell M. Dearing, Applicant

Responding to questions from Chairman Beauregard, Mr. Dearing stated that this would be his full time job and that he would also be open normal business hours 11 a.m. until 5 p.m.; and that all repairs would be done on the premises.

VOTED: Commissioner Frenette made a motion to approve the application as presented pending receipts of all necessary documents, and to approve the license for the display of Eight (8) cars – **Unanimous**

16. Hearing: Nelia Cardoso d/b/a Chuck's Liquors - 2nd Offense

Nelia Cardoso, Licensee
60 Nauset Street

Your presence and that of **David Cardoso, Clerk/Husband of Owner**, is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Massachusetts General Laws Chapter 138, sections 15, 33-

A Section 15 package store licensee is only permitted to make sales between 8:00 a.m. and 11:00 p.m. Monday - Saturday.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Summary of Incident Report:

Police Department Incident Report states that Officers patrolling areas in the north end of the city drove westerly on Nauset Street past Chuck's Liquors at approximately 11:05 p.m., and observed customers still pulling into the packed parking lot, and observed patrons still entering the store. Upon waiting for a parking spot to open up in the parking lot, the Officers entered the store and requested to speak to the owner, who was later identified as David Cardoso.

The Officers spoke to Mr. Cardoso, and explained that it was already 7 minutes after 11:00 p.m., and that he still had a line of customers all the way to the rear door of the business. Mr. Cardoso became agitated with the Officers and stated that it was not seven minutes past 11:00 p.m. but it was actually only six minutes past.

When asked by the Officer why he doesn't ask the remaining customers to leave, as his store should have already been locked,

Mr. Cardoso continued to serve each of his customers and ignored the Officers request. When informed by the Officer that he would be submitting a report to the Liquor Licensing Commission for the incident detailed above, Mr. Cardoso rudely said, I hope you have a great holiday! The police also noted in their report that while they were speaking with Mr. Cardoso, they observed customers continuing to enter the store.

Date and time of alleged violations: Friday, December 16, 2011 @ approximately 11:07 p.m. - #11 – 14993 - OF

17. Hearing: Ferdade, Inc. d/b/a The Pub
Clinton Trinidad, Manager
317 North Front Street

Your presence and that of Henrique Trinidad, Owner, is requested at a hearing to determine whether you have violated certain provisions of the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premise, this includes the use or sale of illegal narcotics.

Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls, or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.

Licensing Board Regulations No. 11, 12, 36-

Objectionable Persons shall not be permitted on or about the premises, it is the responsibility of the Licensee to enforce this rule; **Premises must be** kept safe at all times; **Licenses are subject** to suspension, revocation, or forfeiture after hearing for breach of any of the listed regulations or any other law of the Commonwealth.

Summary of Incident Report:

Police Department Incident Report states that members of the New Bedford Organized Crime Intelligence Bureau and the Drug Enforcement Administration concluded a Seven (7) month investigation into a cocaine distribution enterprise being conducted inside of the Pub, located at 313 North Front Street. As a result of this investigation, five people including one bartender were arrested after Undercover Officers purchased and witnessed the sale of cocaine on the premises from persons whom they had observed over a two month period inside of the bar.

Date: 03/22/11 through 10/14/11 - #11 – 12298 - OF

18. Hearing: Becky D, Inc. d/b/a Southside Annie's
Annette Demers, Manager/Co-Owner
114 Cove Street

Your presence and that of William Silver Hayter, Co-Owner, is requested at a hearing to determine whether you have violated certain provisions of the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Reports as follows:

Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premise, this includes the use or sale of illegal narcotics.

Note: Indications of illegal narcotics use include persons making frequent trips in and out of the premises, or in or out of the restrooms, persons who receive a large number of phone calls or who are visited at the premises by an unusually large number of people at frequent intervals or persons who appear to be making exchanges of small packages or payment of money – Guide to M.G.L., ABCC.

Licensing Board Regulations No. 11, 12, 36-

Objectionable Persons shall not be permitted on or about the premises, it is the responsibility of the Licensee to enforce this rule; **Premises must be** kept safe at all times; **Licenses are subject** to suspension, revocation, or forfeiture after hearing for breach of any of the listed regulations or any other law of the Commonwealth.

Summary of Incident Reports:

Police Department Incident Reports state that members of the New Bedford Narcotics Unit, based on numerous complaints regarding the distribution of narcotics on or about the premises, set up surveillance of the premises, and upon completion of their surveillance of the premises, arrested two individuals on two different occasions, for the distribution of cocaine on or about the premises of Southside Annie's, located at 114 Cove Street.

Dates of Incidents: 08/19/11 - #11 - 2787-AR & 10/18/11 - #11 - 3610-AR

19. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908

Thomas A. Kern, Manager
908 Purchase Street,

Your presence is requested at a hearing to determine whether you may have violated provisions of ABCC regulations, Licensing Board rules and regulations and City of New Bedford ordinances. The Board will also review other complaints filed with this office as it pertains to possible late night disturbances and public safety.

Violations: Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 10, 11, 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive hilarity, noise, crowds and objectionable persons shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this rule. Premises must at all times be kept safe....

Summary of Incidents and Concerns

This office has received several Police reports (as referenced below) regarding incidents involving highly intoxicated patrons as well as disturbances on or about your premises. We have also received both written and verbal complaints from area residents as well as the property manager at the Regency including excessive drunkenness and hilarity, public urination and fighting in the Regency parking area as well as the Bank of America parking lot.

Based on the number of complaints received, it has become necessary for a hearing to be held to review any possible health and safety violations.

Ref. #11-13610 – OF – 11/13/11 @ 2:00 a.m. – Intoxicated Patron

Ref. #11-3796 – AR – 11/04/11 @ 12:38 a.m. – Fight/ Intoxicated Patron

Ref. #11-3795 – AR – 11/04/11 @ 12:38 a.m. – Fight/ Intoxicated Patron

Ref. #11-3652 – AR – 10/22/11 @ 12:56 a.m. – Disturbance/ Intoxicated Patron

Ref. #11-3758 – AR – 10/16/11 @ 1:44 a.m. – Intoxicated Patron

CORRESPONDENCE,

GRANTED In City Council December 15, 2011

Received 12/27/11

The undersigned (Jose A. Adao d/b/a Rte. 6 Auto Mall, ES Belleville Avenue) petitions the City Council to grant a SPECIAL PERMIT to allow Motor Vehicle (Used) Car Sales.

IN CITY COUNCIL, December 15, 2011

Rule 42 Waived – Yeas 10, Nays 0

SPECIAL PERMIT GRANTED – Yeas 10, Nays 0

Presented to the Mayor for approval December 19, 2011

Approved on December 23, 2011

Rita D. Arruda, City Clerk

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Rita D. Arruda, City Clerk

Scott W. Lang, Mayor

From: Kim S. Gainsboro, ABCC Chairman

Dated 12/13/11

Received –01/03/12

Re: Increase of Off-Premises Licenses

The legislature recently passed a law increasing from 3 to 5 the number of off-premise (sec. 15) licenses any person or combination of persons may hold, directly or indirectly, in Massachusetts. The number licenses any person or combination may hold, directly, or indirectly, in a city remains at two (2). Please note that the law will continue to increase the allowable number of licenses by two (2) every four (4) years until 2010, which at that time, the number of licenses any person or combination may hold, directly, or indirectly in Massachusetts, will be capped at nine (9).

From: Westborough District Court

Dated 05/11/11

Received –01/06/12

Re: Writ of Attachment/Simba, Inc. d/b/a Stardust Nightclub

I, Floyd A. Teague, Deputy Sheriff, in and for the County of Bristol, Commonwealth of Massachusetts, do hereby certify and

return that on January 6, 2011, I did seize all right, title, and interest that the within name defendant, Simba, Inc. has a Liquor License issued by the City of New Bedford.

Filed by: Hospitality Mutual Insurance Company & Martignetti Grocery Co, Inc. (On File)

From: Kim S. Gainsboro, ABCC Chairman

Dated – 01/05/12 Received – 01/17/12

Re: Libads Bar & Grille, LLC

578-580 Brock Avenue

Hearing Date – Tuesday, November 29, 2011 @ 10:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) or Code of Massachusetts Regulations (CMR) as follows:

204 CMR 2.05 (1): Permitting Gambling (1 Count); and 204 CMR 2.05 (2) Permitting an illegality on the Licensed Premises, To Wit: M.G.L. CH. 30A sec. 177A (6) - No Person Keeping or offering for operation or allowing to be kept or offered for operation, any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling (1 Count)

DECISION: Based on the evidence, the Commission **suspends the licensee's license for a total of five (5) days to be served of which two (2) days will be served and three (3) days will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur. In addition, the licensee must not possess in or on the licensed premises any video poker machine or any other automatic amusement device used for gambling.** The suspension shall commence on **Wednesday, February 8, 2012 and terminate on Thursday, February 9, 2012.** The license will be delivered to the Local Licensing Board on Wednesday, February 8, 2012 at 9:00 a.m. It will be returned to the licensee on Friday, February 10, 2012.

Note: The licensee may petition the Commission to accept an offer in compromise in lieu of suspension within 20 calendar days following such notice of such suspension; also, the licensee has the right to appeal the decision under M.G.L. C. 30A to Superior Court within 30 days upon receipt of notice

• **REVIEW POLICE DEPARTMENT INCIDENT REPORT/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Jalice Café, Inc.	12-21-OF	0/01/12	Disturbance/Serving To Intoxication Offering Bottle Service/Consumption of Alcohol After Allowed Time. (Approximate Time of Violation 2:15 a.m.)
2. Jalice Café, Inc.	12-104-AR	01/08/12	Disturbance/Attempted Assault w/Knife (Approximate Time of Violation 12:11 a.m.)
3. The Pub	11-4463-AR	12/31/11	Open Container Violation/Patron Left Establishment With Open Container (Approximate Time of Violation 1:22 a.m.)

• **COMPLAINTS RECEIVED:**

---NONE---

• **LICENSE HOLDERS IN TAX TITLE – For Review Only (A/O 01/18/12) (INFORMATIONAL ONLY)**

Common Victuallers (Restaurants)

1. Celtic Coffee House (Phillip M. Dwane d/b/a)-----	\$12,004.72 – ‘2012 Agreement’
2. Chocolate Com Pimerta (Jose J. DaCosta d/b/a)-----	\$2,144.03– ‘2012 Agreement’
3. Lydia’s Bakery, Inc.-----	\$4,728.19
4. Minerva’s Pizza (Vasilios N. Pappas d/b/a)-----	\$4,135.13 - PAID
5. Shawmut Diner (Andros Island, Inc. d/b/a)-----	\$8,529.34– ‘2012 Agreement’
	\$31,541.41

Class II (Used Car Dealer)

1. Capitol Motors (Ronald Moura d/b/a)-----	\$10,099.06 – ‘2012 Agreement’
2. Farm Bureau Service & Auto Sales (John Candido d/b/a)-----	\$5,731.64
3. Furtado’s Auto Sales & Service (Simon Furtado d/b/a)-----	\$11,105.41– ‘2012 Agreement’
4. Lima’s Garage & Auto Body, Inc.-----	\$9,649.28 - ‘2012 Agreement’
5. Mare’s Automotive, Inc.-----	\$2,718.66 - PAID

6. Neighborhood Auto Service, Inc.-----	\$5,500.52 - PAID
7. Oliver Used Auto Sales & Repairs (Itmar C. Oliveira d/b/a)-----	\$753.30 - PAID
8. Star Auto Sales (Fidelio A. Montrond d/b/a)-----	\$13,806.88– ‘ 2012 Agreement ’
9. Washington Square Auto Sales (Henry Lee d/b/a)-----	\$9,180.30 – ‘ 2012 Agreement ’
	\$68,545.05

Class III (Junk Yard Dealer)

1. A. W. Martin, Inc.-----	\$59,369.29
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Liquor Licenses

Common Victualler AA (Restaurants)

1. Café Funchal, Inc.-----	\$43,607.11 – ‘ CLOSED ’
2. Cobblestones Restaurant (AMM Enterprises, LLC d/b/a)-----	\$12,173.32 - PAID
3. Danny’s Seafood Restaurant (Norway Café, Inc. d/b/a)-----	\$21,669.14 – ‘ 2012 Agreement ’
4. Freestone City Grill (Freestone Restaurant Group, Inc.)-----	\$11,418.59 – ‘ 2012 Agreement ’
5. Incognito (Anthsand, Inc. d/b/a)-----	\$9,069.00 - PAID
6. Jalice Café, Inc.-----	\$14,171.68 – ‘ 2012 Agreement ’
7. LeBeau’s Tavern (EML, Inc. d/b/a)-----	\$8,815.22 - PAID
8. LePlace (Pam-Lu Corporation d/b/a)-----	\$6,592.12 - ‘ 2012 Agreement ’
9. Me & Ed’s Restaurant, Inc.-----	\$8,511.60 – ‘ 2012 Agreement ’
10. Mikey B’s (Mikey B’s d/b/a)-----	\$541,000.91 - ‘ 2012 Agreement ’
11. New Wave Café, Inc.-----	\$3,324.00
12. Rose Alley Ale House (The Pequod, Inc. d/b/a)-----	\$1,859.02 - PAID
13. The Garden Restaurant & Grille, Inc.-----	\$11,456.80 - PAID
14. Tropicana Bar & Grill, Inc.-----	\$5,047.96 – ‘ 2012 Agreement ’
15. “Union City” (Ramon D. Silva Enterprises, LLC d/b/a)-----	\$31,594.52 - PAID
16. Waterfront Grille (New England Fisheries, LLC d/b/a)-----	\$6,043.32 - PAID
	\$736,354.31

Common Victualler AA Wine & Malt Only (7 Days)

1. Salty Cod (Salty Cod, LLC d/b/a)-----	\$385.43 - PAID
2. The Boat (Lemieux Enterprises, Inc. d/b/a)-----	\$8,113.42 - PAID
	\$8,498.85

General on Premise AA

1. Hungry Whale Pub (Hungry Whale Hospitality Group, Inc. d/b/a)-----	\$8,036.98 – PAID
2. Royal II (Royal Food & Beverage Company, Inc. d/b/a)-----	\$15,721.65 – ‘ 2012 Agreement ’
	\$23,758.63

Clubs AA

1. William H. Carney Lodge #200, IBPOE, Elks-----	\$4,499.62 - PAID
2. N. B. Lodge No. 73-BPO Elks-----	\$261.91 - PAID
3. Portuguese American Athletic Club of Greater N. B, Inc.-----	\$240.46 - PAID
4. The Bisca Tournament Club, Inc.-----	\$3,853.88 - PAID
5. The New Cape Verdean Band Club, Inc.-----	\$3,170.27– ‘ 2012 Agreement ’
6. Whaling City Club, Inc.-----	\$11,585.07– ‘ 2012 Agreement ’
	(Additional \$1,890.50 – Utilities)
	\$25,501.71

Retail Package Store W & M

1. Washington Square Package Store (Lobo’s Lounge, Inc. d/b/a)-----	\$3,243.17 – ‘ 2012 Agreement ’
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Retail Package Store W & M

1. Costa Sunoco Mini-Mart (MMRB Corp., Inc. d/b/a)-----	\$18,642.88 - ‘ 2012 Agreement ’
2. Mauricio’s Market & Hardware, Inc.-----	\$2,033.96 - PAID
	\$20,686.84

Outstanding Owed = \$985,695.09

- **Subject: Liquor License Renewals For 2012 (INFORMATIONAL ONLY)**

The Licensing Board herewith submits a report of all the **Liquor License Renewals** for **2012** by category and totals per.

Licenses classified as follows were issued and signed by the Board in the month of December, 2011 for license year 2012.

Common Victualler---All Alcoholic	85
Common Victualler---Wine & Malt (6 Days)	4
Common Victualler---Wine & Malt (7 Days)	15
General on –Premise ---All Alcoholic	17
Clubs---All Alcoholic	26
Retail Package Stores---All Alcoholic	24
Retail Package Stores---Wine & Malt	9
Innholder All- Alcoholic	2
Farmer-Winery Pouring Permit---Wine Only	1

TOTAL=183 (+2)

There are currently **3** inactive licenses out of the 183 issued.

- **INACTIVE LICENSES A/O 1/01/11 (INFORMATIONAL ONLY)**

1. Cambories (John Bernard Corp. d/b/a) - CV W & M – See Transfer - Item #
(License held by the N. B. Economic Development Council)
2. Whaler Wine & Spirits, Inc. – RPS AA – - See Transfer – Item #
(License held by St. Anne’s Credit Union)
3. Crush Fine Wines (Crush Beverage Company, Inc. d/b/a) – RPS W & M - **Renovations**

Note: There were **8** inactive licenses on 01/01/11.

- **Department Head Report (INFORMATIONAL ONLY)**

To: Jonathan F. Mitchell
Mayor

From: Nick Nanopoulos, Director

Date: January 3, 2012

Department Head Report----01/01/11 – 12/30/11

The Commissioners of the Licensing Board and staff continue to service our licensees by assisting them in all ways possible and to enforce Massachusetts General Laws with regard to Chapters 138 & 140 and related City ordinances. We continue to strive to educate license holders of their rights and responsibilities associated with the privilege of holding a license issued by the City of New Bedford and to continue our working relationship with the Alcoholic Beverages Control Commission.

It is the Licensing Board’s responsibility to consider the impact of its approval in the granting of new or renewal licenses and the impact said license will have in the neighborhood as well as to the overall betterment to the City of New Bedford.

It is the Board’s intention to be proactive rather than reactive, to maintain an active presence in the community through inspections with the Police, Fire and Building Departments.

The Licensing Board reports the following from January 1, 2011 through December 31, 2011:

- **Highlights & Accomplishments**

This office is continually exploring ways to meet our objectives and to improve our working relationships with our licensees including the many festivals and special licenses issued through this office. The board continues to review the procedures it has imposed or implemented to ensure that the flow of alcohol is done in a safe and efficient manner, specifically prohibiting the sale or consumption of alcohol to minors. We have developed a good working relationship with the Substance Abuse Task Force to address the growing concerns of underage drinking. This office continues to have the utmost support of the New Bedford Police Department, specifically

Chief David Provencher and Det. Lt. Paul Demers.

Our relationship with the Office of Inspectional Services continues to improve thanks to the assistance of Danny Romanowicz, Commissioner of Buildings. Together, we are implementing a system to improve the issuance of certificates of inspections so this office will have them available in time for renewals.

We continue to work with Attorney Blair Bailey, Tax Title Attorney, to ensure that all our licensees are in compliance with taxes and fees owed to the City of New Bedford.

This office also initiated the change to the City Ordinance relating to Motor Vehicle Auto Repair Shops, which would amend certain sections to City Ordinance, Ch.15 – Licenses and Business Regulations, Article III – City Council's Licenses, sec. 15-69-. Motor vehicle engine repair shops and motor vehicle auto body repair shops—License required, which would clarify the definition of a motor vehicle repair shop as it applies to licensing and compliance.

The change will now allow Inspectional Services and the Licensing Board, working in conjunction with each other, to regulate, monitor, and enforce all City Ordinances and State Codes relating to the operation of Auto Repair Shops, Auto Body Shops, and Towing Services.

- **Challenges & Constraints**

Overall, the Licensing Board continues to operate well in conjunction with the New Bedford Police Department. Our monitoring of licensed establishments with hall rentals continues to be a problem as it relates to under twenty-one (21) age events. Secondly, the office is somewhat hindered by not having a police/compliance officer assigned to it, which would help alleviate many problems and possibly add additional revenues with more thorough enforcement.

- **Grants**

This office has not applied for nor received any grant money. Our goal is to explore funding to supplement our budget for the costs associated with a part time police officer and/or compliance officer to assist in our monitoring of licensed establishments.

Note: This office has assisted and provided information to both the Health Department and the Substance Abuse Task Force, to help secure grants that may be of use to assist this office in our efforts regarding compliance issues.

- **Cost –Saving Measures**

The department has implemented a number of cost saving measures over the past many years thanks to the assistance of Larry Langlois of the MIS Department. With Larry's assistance, we continue to maintain and upgrade the database that has been created on all license holders. All new licenses and renewals of annual licenses are now issued electronically eliminating outside printing costs and supplies. This increase in efficiency allows for additional time to focus on compliance issues including outstanding taxes and fees owed to the City.

- **Department Data**

Our department issued over 1,300 licenses and issued 169 I. D.'s to City residents this year, which resulted in approximately \$627,000.00 in revenue for the City of New Bedford.

This office also conducted over 45 hearings this year regarding violations and renewals, with an additional 45 hearings on liquor license transfers or changes.

- **Current Agenda**

This office is currently working with the Office of Inspectional Services in identifying those auto repair shops and towing companies, who under the amended City Ordinance, would be required to be licensed as a Motor Vehicle Auto Repair Shop; which we anticipate will number 75-125, and will add an additional \$22,500.00 to \$37,500.00 in revenue in FY12.

The plan set forth by this office is to have all potential licensees identified by Inspectional Services by April 15, 2012, and once identified, to have them all licensed by June 31, 2012; although we anticipate that this won't be completed until the end of July.

As are all other departments, we are in the process of working with our MIS Department in updating our web page, which will assist both applicants and license holders. Additionally, we will be amending and updating our rules and regulations handbook.

Respectfully submitted,

- **NEXT TWO (2) MEETING DATES: February 27th & March 26th**

- **MEETING ADJOURNED:**